

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3 and 8 are allowed. Claims 2 and 7 are cancelled. Claims 1, 4-6, and 9-12 remain pending in this application and, as amended herein, are submitted for Examiner's reconsideration.

In the Office Action, claims 1, 4, 6, 9, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagisawa (U.S. Patent Application Publication No. 2002/0126431) in view of DeWolf (U.S. Patent No. 5,279,458) and further in view of Katsuki (U.S. Patent No. 6,079,219). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

As amended, claim 1 calls for:

communication means for communicating over a network with a server at predetermined intervals, the communicating being carried out for a predefined duration during each predetermined interval; and

time control means for controlling said cooling fan in association with the communicating performed by said communication means,

the controlling of said cooling fan being performed by said temperature control means and said time control means such that said time control means stops operation of said cooling fan during the predefined duration that the communication means communicates with the server and causes said cooling fan to operate in a low state after the predefined duration has elapsed, and said temperature control means causes said cooling fan to operate in a high state whenever the detected temperature value is greater than or equal to a predefined value regardless of whether the predefined duration has elapsed.

(Emphasis added.)

The Examiner acknowledges that "Yanagisawa and DeWolf et al.... do not explicitly teach a time control where the time control causes a cooling fan to operate after a predetermined duration time has elapsed" and contends that Katsuki teaches

such a feature. However, Katsuki describes a timer that is reset or started if it is determined that the fan motor has stopped. (See col.7 ll.13-17.) Namely, the patent teaches a predetermined time interval that is dependent on the fan motor being off. Katsuki is not at all concerned with a predefined duration that a communication means communicates with a server. Hence, Katsuki does not disclose or suggest stopping operation of a cooling fan during a predefined duration that a communication means communicates with a server.

Moreover, the relied-on section of Katsuki is not at all concerned with attaining quiet while equipment is being polled, the problem that is addressed by the present invention in which a time control means stops operation of a cooling fan during a predefined duration that a communication means communicates with a server.

It follows, for at least the above reasons, that neither the relied-on sections of Yanagisawa, the relied-on sections of DeWolf, nor the relied-on section of Katsuki, whether taken alone or in combination, disclose or suggest the apparatus set out in claim 1, and therefore claim 1 is patentably distinct and unobvious over the cited references.

Independent claims 6, 11, and 12 each include features similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is patentably distinct and unobvious over the relied-on sections of Yanagisawa, DeWolf, and Katsuki at least for the same reasons.

Claim 4 depends from claim 1, and claim 9 depends from claim 6. Therefore, each of these claims is distinguishable over the relied-on sections of the references for at least the same reasons as the claim from which it depends.

Independent claim 5 calls for:

ramp-shaped rising control means for controlling
a rotational frequency of said cooling fan so that

when said cooling fan is caused to operate in a high state, the rotational frequency rises in a ramp-shape until the rotational frequency of the high state is attained,

the controlling of said cooling fan being performed by said temperature control means, said time control means, and said ramp-shaped rising control means such that said time control means stops operation of said cooling fan during the predefined duration and causes said cooling fan to operate in a low state after the predefined duration has elapsed, and said temperature control means and said ramp-shaped rising control means cause said cooling fan to ramp up to and operate in a high state whenever the detected temperature value is greater than or equal to a predefined value regardless of whether the predefined duration has elapsed.

(Emphasis added.)

Neither the relied-on sections of Yanagisawa, the relied-on sections of DeWolf, nor the relied-on section of Katsuki disclose or suggest controlling a rotational frequency of a fan so that when the cooling fan is caused to operate in a high state, the rotational frequency rises in a ramp-shape until the rotational frequency of the high state is attained. Moreover, such sections of Yanagisawa, DeWolf, and Katsuki neither disclose nor suggest causing a cooling fan to ramp up to and operate in a high state.

It follows, for at least the above reasons, that neither the relied-on sections of Yanagisawa, the relied-on sections of DeWolf, the relied-on section of Masayoshi, nor the relied-on section of Katsuki, whether taken alone or in combination, disclose or suggest the apparatus set out in claim 5, and therefore claim 5 is patentably distinct and unobvious over the relied-on references.

Independent claim 10 includes features similar to those set out in the above excerpt of claim 5. Therefore, claim 10 is patentably distinct and unobvious over the relied-on sections of Yanagisawa, DeWolf, and Katsuki for at least the

same reasons.

Claims 1, 4-6, and 9-12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 4-7, 9 and 10 of co-pending Application No. 10/784,439, now U.S. Patent No. 7,340,367. A Terminal Disclaimer is submitted with the present Amendment.

Accordingly, Applicants respectfully request the withdrawal of the rejections under the judicially created doctrine of obviousness-type double patenting and under 35 U.S.C. § 103(a).

Applicants note with appreciation the Examiner's allowance of claims 3 and 8.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 27, 2008

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants